

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 JAN 24 AM 9:54

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Manuel CEJA

Defendant,

Magistrate Case No. 08 MJ 0207BY: *PM*

DEPUTY

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326
Attempted Entry After
Deportation

The undersigned complainant being duly sworn states:

On or about **January 22, 2008**, within the Southern District of California, defendant **Jose Manuel CEJA**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro, California Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Claudia Rios
SIGNATURE OF COMPLAINANT
Claudia Rios, United States Customs
& Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence this **24th** day of **January 2008**.

Sam M. Rios
UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

On January 22, 2008 at approximately 6:22 p.m., Jose Manuel CEJA (Defendant) made application for admission into the United States from Mexico through the San Ysidro, California Port of Entry pedestrian facility. Upon inspection with a United States Customs and Border Protection (CBP) Officer, Defendant presented a counterfeit Mexican passport bearing the name of Cipriano Avalos Fuentes. The Mexican passport contained Defendant's photograph and a forged Alien Documentation Identification Telecommunication (ADIT) stamp attached to the Mexican passport. As a result, the Defendant was escorted to pedestrian secondary.

In secondary inspection, Defendant was queried by fingerprints and photograph comparison through the Automated Biometric Identification System (IDENT) and Integrated Automated Fingerprint Identification System (IAFIS). IDENT/IAFIS returned a match to the query, confirming Defendant's identity and linking Defendant FBI and Immigration Service records.

Immigration Service records queries; including Deportable Alien Control System (DACS) identified Defendant as a citizen of Mexico and a deported alien. DACS information indicates that on or about February 13, 1995 an Immigration Judge ordered Defendant deported and removed from the United States. DACS information reveals Defendant was last removed from the United States to Mexico on or about January 16, 2008. Immigration Service records contain no evidence that Defendant has applied for or received permission from the Attorney General of the United States, or the Secretary of the Department of Homeland Security to legally re-enter the United States.